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26 *Services, II, LLC*

27 **UNITED STATES DISTRICT COURT**

28 **DISTRICT OF NEVADA**

29 NATASHA PORTEOUS, on behalf of herself
30 and all others similarly situated,

31 Plaintiff,

32 vs.

33 CAPITAL ONE SERVICES II, LLC; and
34 DOES 1 through 50, inclusive,

35 Defendant(s).

36 Case No.: 2:17-CV-02866-JCM-GWF

37 **AMENDED ORDER**
38 **GRANTING FINAL APPROVAL OF**
39 **CLASS ACTION SETTLEMENT**

40 On June 30, 2021, this Court considered the Joint Motion for Final Approval of Class
41 Action Settlement. Counsel for Plaintiffs and Defendant appeared at the hearing. Having fully
42 considered the motion, comments of counsel, and all supporting legal authorities, the Court
43 orders as follows:

44 IT IS HEREBY ORDERED THAT:

45 1. This Court has jurisdiction over the subject matter of this litigation and personal

1 jurisdiction over the named-plaintiff, all settlement class members, and defendants.

2 2. The Court adopts the defined terms in the Settlement Agreement.

3 3. Distribution of the Notice and the Exclusion Form directed to the Class Members
4 as set forth in the Stipulation of Settlement and the other matters set forth therein have been
5 completed in conformity with the Preliminary Approval Order, including individual notice to all
6 Class Members who could be identified through reasonable effort, and as otherwise set forth in
7 the Stipulation of Settlement. The Notice provided due and adequate notice of the proceedings
8 and of the matters set forth therein, including the proposed Settlement set forth in the Stipulation
9 of Settlement, to all persons entitled to such a Notice, and the Notice fully satisfied the
10 requirements of due process. All Class Members and all Released Claims are covered by and
11 included within the Settlement and the Court's Final Order and Judgment.

12 4. The Court confirms the appointment of Natasha Porteous as Class Representative.
13 The Court approves the enhancement payment of \$10,000 to the Class Representative as set forth
14 in the Settlement Agreement.

15 5. The Court confirms the appointment of Thierman Buck LLP as class counsel for
16 the settlement class and approves their requests for attorneys' fees and litigation costs of
17 \$166,500 and \$5,043.20, respectively.

18 6. The Court grants final approval to this settlement and finds that the settlement is
19 fair, reasonable, and adequate in all respects, including the attorneys' fees, costs, and incentive
20 award provisions. The Court specifically finds that the settlement confers a substantial benefit
21 to settlement class members, considering the strength of plaintiff's claims and the risk, expense,
22 complexity, and duration of further litigation. The response of the class supports settlement
23 approval. No class members objected to the settlement and only 47 requested exclusion from
24 the settlement. The Court further finds that the settlement is the result of arms-length
25 negotiations between experienced counsel representing the interests of both sides, which
26 supports approval of the settlement in accordance with the standards set forth in the joint motion
27 for final approval of settlement. Settlement negotiations were not commenced until both sides
28

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1 had thoroughly investigated and researched the claims and defenses herein.

2 8. The Court finds that as of the date of this Order each and every class member has
3 waived and shall be deemed to have fully, finally, and forever released, relinquished, and
4 discharged all Released Claims, as set forth in the Settlement Agreement and Notice of Class
5 Action Settlement.

6 9. The Court finds that the settlement administrator Simpluris is entitled to \$16,000
7 for administrative fees.

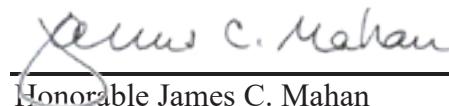
8 10. The Court directs the parties to effectuate the settlement terms as set forth in the
9 Settlement Agreement and the settlement administrator to calculate and pay the claims of the
10 class members in accordance with the terms set forth in the Settlement Agreement.

11 11. The Claims set forth in Plaintiff's First Amended Complaint are dismissed on the
12 merits and with prejudice.

13 12. The Court retains jurisdiction to enforce the terms of the settlement, including the
14 payment of the settlement fund.

15 **IT IS SO ORDERED.**

16 Dated: August 5, 2021

17 
18 _____
19 Honorable James C. Mahan
20 District Court Judge